## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NORTH CAROLINA EASTERN DIVISION

JAMES M. JOHNSTON,	)	
	)	
Plaintiff,	)	
v.	)	JUDGMENT
	)	No. 4:10-CV-139-FI
	)	110. 1.10 6 7 135 11
SHAWN SPEARS - S AND J OF RALEIGH,	)	
Defendant.	)	

## **Decision by Court.**

This action came before the Honorable Louise W. Flanagan, Chief United States District Judge, for consideration of the Memorandum and Recommendation of the United States Magistrate Judge recommending that this court dismiss plaintiff's *in forma pauperis* complaint under 28 U.S.C. § 1915(e)(2).

**IT IS ORDERED, ADJUDGED AND DECREED** in accordance with the court's order entered December 17, 2010, and for the reasons set forth more specifically therein, that this action is dismissed due to lack of subject matter jurisdiction. The plaintiff shall have and recover nothing from this action.

## This Judgment Filed and Entered on December 28, 2010, and Copies To:

James M. Johnston (via U.S. Mail) 276 Summit Road, Littleton, NC 27850

December 28, 2010

DENNIS P. IAVARONE, CLERK

/s/ Christa N. Baker

(By) Christa N. Baker, Deputy Clerk